

Title 28 U.S.C. § 636(b)(1)(C) provides that within 10 days of service of the magistrate judge's recommended disposition, any party to the action may file specific written objections

to the magistrate judge's proposed findings and recommendations. The statute also provides that a district judge must conduct a de novo review of those portions of the magistrate judge's R&R to which objection is made.

The time for filing objections to the April 2, 2009 R&R has expired, and no objections to the April 2, 2009 R&R have been filed. This Court has reviewed the April 2, 2009 R&R and agrees with the findings of the April 2, 2009 R&R. Defendant's failure to appear in this lawsuit and to defend against Plaintiff's claims warrants entry of judgment by default pursuant to Federal Rule of Civil Procedure 55(b)(2). The Court, however, is satisfied that Plaintiff has failed to provide prima facie proof of the damages related to his claims. It finds that an award to Plaintiff of nominal damages in the amount of \$1.00 is therefore appropriate and just. Moreover, no punitive damages will be awarded, as Plaintiff has failed to demonstrate that he is entitled to such an award.

For the foregoing reasons, the April 2, 2009 R&R is hereby adopted as the Opinion of this Court. The Court will enter default judgment in favor of Plaintiff in the amount of \$1.00 in nominal damages. The Court will enter an appropriate Order.

s/ Stanley R. Chesler
STANLEY R. CHESLER, U.S.D.J.

Dated: May 8, 2009